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**Attorneys for Defendants Frank L. Davis, Harvest Marketing, LLC, and
First Harvest, LLC**

IN THE UNITED STATES DISTRICT COURT
STATE OF UTAH, CENTRAL DIVISION

JENNIFER STEIMKE, as trustee of the)	
ODETTE GRAHAM TRUST, sole)	
beneficiary of the MICHELON FAMILY)	MOTION FOR LEAVE TO FILE A
TRUST, and sole devisee and representative)	LENGTHY MEMORANDUM
of the ESTATE OF LYNDIA STEIMKE)	
MICHELON,)	
)	
Plaintiffs,)	
)	
JAE FORSCHEN, DAVID J. ORR,)	
individually and dba WORLD)	
CONTRACTUAL SERVICES, HARVEST)	
MARKETING, L.L.C., FIRST HARVEST)	
MARKETING, L.L.C., FRANK L. DAVIS,)	
and JOHN DOES 1 through 10,)	Case No. 2:03CV00487 DAK
)	
Defendants.)	Judge Dale A. Kimball
)	

Defendants, by and through counsel and pursuant to DUCivR 7-1(e), respectfully move the Court for leave to file a memorandum in response to Plaintiffs' Memorandum in Opposition to Second Motion for Summary Judgment ("Opposition Memorandum") which exceeds the

standard page limitation.

ARGUMENT

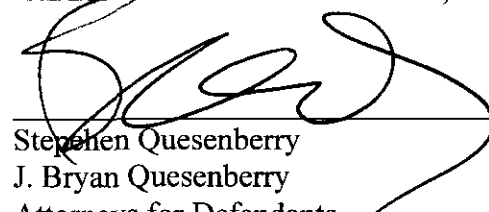
Defendants seek leave to file a memorandum of 17 pages (argument section only).

Defendants' memorandum is lengthy because (1) it addresses the 24 pages of facts in Plaintiffs' Opposition Memorandum, (2) addresses the 22 pages of argument in the Opposition Memorandum, and (3) discusses and analyzes Plaintiffs' 12 causes of action against Defendants and sets forth the law and facts why said causes of action should be dismissed.

For these reasons, Defendants respectfully request that their Motion for Leave to File a Lengthy Memorandum be granted. A proposed form of Order Granting Leave to File Lengthy Memorandum is attached hereto as Exhibit A.

DATED this 23 day of September, 2004.

HILL, JOHNSON & SCHMUTZ, L.C.



Stephen Quesenberry
J. Bryan Quesenberry
Attorneys for Defendants

CERTIFICATE OF MAILING

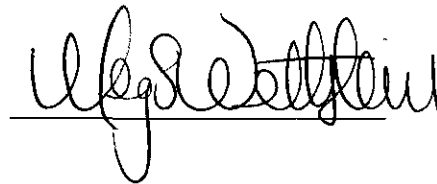
The undersigned hereby certifies that on the 23 day of September, 2004, they caused a true and correct copy of the foregoing motion to be delivered to the following:

David M. Wahlquist
Kirtan & McConkie
1800 Eagle Gate Tower
60 East South Temple
PO Box 45120
Salt Lake City, Utah 84145-0120

David J. Orr
5449 Suntree Avenue
West Valley, Utah 84120

Sent Via:

☐ Hand -Delivery
☐ Facsimile
☒ Mailed (postage prepaid)

A handwritten signature in black ink, appearing to read "David M. Wahlquist", is written over a horizontal line.